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Palmer Hough/DC/USEPA/US

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To aicher.rebecca, Barbara Butler, Bill Dunbar, Cara Steiner-Riley, Christopher Hunter, Dave Athons, David Allnutt, Glenn Suter, Hanady Kader, Heather Dean, Heidi Karp, Jason Todd, Jeff Frithsen, Jenny Thomas, Jim Wigington, Joe Ebersole, Judy Smith, Julia McCarthy, Kate Schofield, Marianne Holsman, Mary Thiesing, Michael Szerlog, Palmer Hough, Phil North, Rachel Fertik, Richard Parkin, Sheila Eckman, Tami Fordham

cc

bcc

Subject Fw: Info on UN Special Rapporteur Visit to Alaska

FYI - the Pebble Mine is mentioned a few times in the notes below.

-Palmer

Palmer Hough, Environmental Scientist
tel: 202.566.1374 | fax: 202.566.1375

Wetlands Division
U.S. EPA Headquarters (MC 4502T)
1200 Pennsylvania Avenue, NW
Washington, DC 20460
www.epa.gov/wetlands

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From: Felicia Wright/DC/USEPA/US
To: David Evans/DC/USEPA/US@EPA, Palmer Hough/DC/USEPA/US@EPA
Date: 05/07/2012 11:24 AM
Subject: Fw: Info on UN Special Rapporteur Visit to Alaska

FYI---UN Special Rapporteur is investigating the Rights of Indigenous Peoples, and recently visited Alaska to meet with the ANVs-- this commentary includes reference to Pebble Mine, and is consistent with what is reported in EPA's Indigenous People/Alaska Native Village appendix in the BB assessment.

Felicia Wright, Tribal Coordinator
EPA Office of Water (OW)
Phone: 202-566-1886

1200 Pennsylvania Avenue, NW
Mailcode 4101M
Washington, DC 20460

----- Forwarded by Felicia Wright/DC/USEPA/US on 05/07/2012 11:19 AM -----

From: Ed Liu/DC/USEPA/US
To: EPA NIWG
Date: 05/04/2012 10:10 AM
Subject: Info on UN Special Rapporteur Visit to Alaska

Here is a report on the Special Rapporteur visit to Alaska, provided by David Guest.

Have a good weekend!

U.N. Special Rapporteur S. James Anaya in Anchorage, Alaska April 28, 2012

Inuit Circumpolar Council Alaska Chair Jim Stotts respectfully introduced Professor S. James Anaya, Special Rapporteur on the Rights of Indigenous Peoples. Professor Anaya arrived from Port Graham in Kachemak Bay, Alaska, and ate salmon for breakfast. Professor Anaya noted the "mission" to the United States in official capacity would last a total of 12 days. Three staff assistants were introduced. I shall paraphrase and occasionally quote the list of speakers from the hearing agenda. Many other people will speak from the open speakers list provided at the hearing.

Aaron Leggett was invited first to speak as Treasurer of the Eklutna Tribal Council, which has co-hosted the hearing along with ICC Alaska. Mr. Leggett noted approximately half of the population of Alaska were in the Eklutna area. The biggest issue Mr. Leggett felt was that fact that only 500 fish could be annually subsisted upon by the members of the Eklutna Tribal Council. Other big issues are natural resources extraction, e.g. Pebble Mine, energy by way of power plants and hydropower, and timber harvesting. Mr. Leggett expressed the opinion all Kenaitze and Dena'ina peoples of Cook Inlet should work together and practice subsistence and more importantly teach subsistence practices to the youth.

Ivan M. Ivan next spoke as a representative of the community of Akiak. Mr. Ivan felt he was speaking on behalf of widows, widowers, orphans, and elders "who could not take care of themselves." Mr. Ivan felt the state and federal agencies that manage subsistence are antagonistic towards the subsistence priorities. Mr. Ivan feels the rules and regulations, the tribal council constitution and bylaws "restrict what [we] want to do."

Michael Williams of the Yupiit Nation spoke of ANCSA as a tool of assimilation. The youth born after December 18, 1971 are deprived of their special rights as Alaska Natives, unable to be enrolled as shareholders in the ANCSA regional and village corporations.

George Edwardson of the community of Barrow spoke of the Alaska Eskimo Whaling Commission. Mr. Edwardson spoke of the Commission as an important voice for the 10,000 people of the North Slope communities of Alaska. Mr. Edwardson spoke of the importance of the ocean eco-system, such as the dependencies of species on one another. Mr. Edwardson noted mismanagement of eco-systems have destroyed stocks of harvestable species on a global scale.

Mary Ann Mills of her own behalf of her family and those without tribal representation, also as vice-chair of the Sovereign Nation of Kenaitze. Ms. Mills spoke of the history of indigenous peoples petitioning international organizations, such as the United Nations, for recognizing their inherent rights. Ms. Mills spoke about the government of the United States regularly denying the special rights of indigenous peoples through congress and judicial opinions. Ms. Mills opined ANCSA was passed without the consent of Alaska Natives, an important principle under the United Nations Declaration on the Rights of Indigenous Peoples. Ms. Mills feels the United Nations General Assembly should reconsider the recognizable rights of Alaska Natives, repealing by way of speaking ANCSA and other acts and judicial opinions.

During a short break, Mr. Stotts suggested to Professor Anaya a special inquiry on the subject of subsistence and Alaska Native peoples.

John Ross spoke as a member of the Kenaitze Indian Tribe. Mr. Ross recognized the chair, executive director, and board members of the Kenaitze Indian Tribe present. Mr. Ross spoke of decolonizing and re-learning the traditional ways of Kenaitze peoples to make a better future. "We are in a process of re-learning."

Nancy Wainwright representing Trustees for Alaska, a firm legally representing for 35 years the interests of Alaska Native peoples and entities. Ms. Wainwright spoke of the gravity of the future Pebble Mine and its possible effect on subsistence practices of the communities of the surrounding area in Southwest Alaska. Ms. Wainwright spoke of the U.S. and Alaska State violation of numerous articles of the United Nations Declaration on the Rights of Indigenous Peoples that deny the voice so to speak of Alaska Native peoples. Ms. Wainwright noted exploration for Pebble Mine began in 1988 and violations of various rules and regulations and especially non-consultation with the local communities have regularly taken place. Ms. Wainwright requests the Special Rapporteur intervene and review state rules and regulations that include the local communities.

Elizabeth Hensley as a representative of the NANA Region, Northwest Alaska spoke of subsistence as the highest priority of the core principles of NANA. Ms. Hensley opined the United States should use and support the Declaration on the Rights of Indigenous Peoples and begin reversing chronic violations and so to speak de facto non-support and non-recognition. Ms. Hensley spoke of the example of ANILCA, Title XIII, which prioritizes subsistence over commercial and sport harvesting on federal lands in Alaska is not working and not protecting the subsistence rights and practices of the Alaska Native peoples. Ms. Hensley spoke of the dire situation of energy in rural Alaska. Alaska Native people in rural Alaska are inordinately challenged by providing heat and energy, compared to spending time practicing subsistence and other culturally-important practices. Ms. Hensley also spoke of the right of indigenous peoples to speak their own languages. Only 14% of the population of the NANA region speak the Inupiat language. The Alaska Native Languages Commission just created by the Alaska Legislature is an important first step in developing educational programs so to speak for revitalizing the indigenous languages of Alaska.

Maria Williams spoke as a representative of the Alaska Native Studies Council of the University of Alaska Anchorage, a faculty-run organization. Ms. Williams spoke of the importance of indigenous world-view, and the continuing education of the Alaska Native indigenous world-views. The Council has been working state-wide to improve the higher education programs available through the University of Alaska system which focus on the Alaska Native world-views.

Karen Linell spoke as a representative of the Ahtna Corporation and its shareholders. Ms. Linell noted there are 8 federally-recognized tribes in the Ahtna region. Ms. Linell spoke of the difficulties in finalizing land titles under ANCSA, such as for the regional corporation and the village corporations. There are strong differences with the State of Alaska in lands settlement. "We live in the court. That's the way it goes with our hunting," as quoted from an Ahtna elder. Difficulties of subsistence rules and regulations are prevalent, especially with the Alaska Highway system dissecting the Ahtna region. The highway system provides ease of use for non-subsistence harvest, e.g. sport hunting. Ms. Linell spoke of the State of Alaska not recognizing the special rights of the people in the Ahtna region, such as through rights-of-way, land resources, land title, local management, and various rules and regulations from the departments of the State of Alaska. Ms. Linell requests the State of Alaska to respect the rights of the peoples of the Ahtna region.

Mr. Stotts in a short break noted the ICC Alaska recently gathered together in Washington, D.C. the federal and state agencies, congressional legislators for a meeting on the betterment of subsistence management in Alaska. Mr. Stotts noted the United States cuts a fine line between the principles of "consent" and "consolation". The U.S. deliberately avoids the use of the "consent" principle and utilizes the less-powerful as Mr. Stotts opines the principle of "consultation". The U.S. uses "consultation" only as a token effort to reach out to the indigenous peoples of North America.

Nathan McGowan of the Sealaska Corporation spoke several pending Congressional bills on finalizing land claims by the Sealaska Corporation under ANCSA.

Harold Napoleon of Hooper Bay in Southwest Alaska recognized the statements of everyone before him, and spoke of the importance of statistics. "Numbers speak their own story." Languages, Christian churches of various doctrines, suicides, subsistence practices, health problems, dependancies on social welfare, "64% of Athabascan women have been exposed to violence", "62% of children in state custody are Alaska Natives", "37-40% of state inmates are Alaska Native men", "approximately 80% unemployment" in many villages. Mr. Napoleon has requested the federal policies must change to better the lives of Alaska Native peoples.

George Pletnikoff of St. Paul Island spoke of the mismanagement of the eco-systems of the Bering Sea, the Gulf of Alaska, and the Arctic Sea. "2 million metric tons of fish are taken out of the Gulf of Alaska and the Bering Sea annually...by the United States government...by approximately 100 fishing boats." This industrial-level annual fish harvest is depriving the local communities of many food sources. "The North Pacific Fisheries Management Council work for the fishing industry." Mr. Pletnikoff has requested Mr. Anaya to solicit the United States government to have a dedicated seat on the NPFMC for Alaska Native subsistence interests so to speak.

John Starky an attorney working almost exclusively on Alaska Native hunting and fishing rights for the past 30 years spoke of the exclusion of Alaska Natives from rule-making and regulation-making for fish and game harvesting. "There is not one law in the State of Alaska that protects tribal rights." "More and more hunting and fishing rights [of Alaska Natives] are disappearing." "All the hunting and fishing [management] agencies in the State of Alaska do not have tribal representation." Mr. Starky requested Professor Anaya to write a Letter of Urgent Appeal on these issues to the U.S. government and the State of Alaska.

Verner Wilson III, Central and Siberian Yup'ik from Dillingham in Southwest Alaska, and also of the World Wildlife Fund, spoke of the gravity of the proposed Pebble Mine. Protecting the salmon fisheries of Bristol Bay are the priority from the possible damage and risks made possible by Pebble. "Pebble Mine is one of the greatest threats...that will basically ruin the habitat of 50 million fish." Mr. Wilson requested Professor Anaya to request the international mining corporations to respect the traditional life ways of Alaska Native peoples.

Warren Jones a student and researcher from Southwest and the Interior of Alaska spoke of the judicial system and Alaska Native peoples. The judicial system is biased against Alaska Native peoples and to not remediate continuing and future problems and issues. Mr. Jones requested Professor Anaya to review the practicality of tribal courts compared to the state or federal judicial system.

Millie Hawley, president of Kivalina IRA Council brought concerns from her community, such as coastal erosion and subsistence. Coastal erosion threatens the community, which has had to evacuate twice in recent past. Local traditional knowledge is a priority over State of Alaska and federal government representatives when analyzing the erosion and possible relocation and subsistence management. Ms. Hawley requests that traditional ecological knowledge be equal to western science and that local communities have priority over state and federal agencies.

These are the Alaska Native peoples excepting Mr. Starky who sent requests beforehand to speak before the hearing held by the United Nations Special Rapporteur on the Rights of Indigenous Peoples Professor S. James Anaya at the Alaska Native Heritage Center April 28, 2012. This summary has been written as the speakers presented their opinions and is unedited.